

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**SONICSOLUTIONS ALGAE CONTROL, LLC,  
SONIC SOLUTIONS, LLC, and  
ALGAECONTROL.US LLC,**

**Plaintiffs/Counter-Defendants**

**VS.**

**DIVERSIFIED POWER INTERNATIONAL, LLC,  
and ANTONIO TRIGIANI,**

**Defendants/Counter-Plaintiff**

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**Civil Action No.  
3:21-cv-30068-KAR**

**MOTION FOR PROTECTIVE ORDER**

Defendants and Counter-Plaintiffs, Diversified Power International, LLC (“DPI”) and Antonio Trigiani (“Trigiani”) (DPI and Trigiani sometimes collectively hereinafter the “Defendants”), pursuant to Fed. R. Civ. P. 26(c), move for a protective order forbidding Plaintiffs from requiring or relieving George Barton, Donna Trigiani, Paul Woods, Keith Bowman and Larry Peacock, all of whom are current DPI employees, of producing the documents described in Schedule A to the deposition notices which have been served upon them in this case. [Mr. Barton, Ms. Trigiani, Mr. Woods, Mr. Bowman and Mr. Peacock sometimes collectively hereinafter the “DPI Employees”].

In support of this motion, Defendants state:

1. Plaintiffs seek to violate or circumvent the Scheduling Order previously entered in this case by requiring the DPI Employees to produce documents for a deposition in response to a deposition notice rather than utilizing Fed. R. Civ. P. 34 for such purpose.

2. On March 25, 2022, Defendants, through counsel, were provided copies of depositions notices for the DPI Employees and Trigiani. Defendants' counsel agreed to accept service of these notices on behalf of the DPI Employees. Copies of the deposition notices to Mr. Barton, Ms. Trigiani, Mr. Woods, Mr. Bowman and Mr. Peacock are attached as **Collective Exhibit A** (the "Deposition Notices").

3. Each of the Deposition Notices contains a Schedule A which contains a list of the documents to be produced by the deponents at their respective depositions.

4. In addition to the fact that Plaintiffs' procedure circumvents the Court's Scheduling Order in this case, Defendants contend that DPI has previously produced the documents requested in response to Plaintiffs' request for production of documents and to require such documents to again be produced would be duplicative and would create undue burden and expense upon DPI and the DPI Employees to be deposed. As a result, Defendants contend that good cause exists for the Court to issue the requested protective order.

In further support of this motion, Defendants submit and file herewith: (1) Declaration of Antonio Trigiani, and (2) Memorandum in Support.

**WHEREFORE**, Defendants request that a protective order be entered forbidding the Plaintiffs from requiring or relieving the DPI Employees of the obligation to produce the documents or electronically stored information described in Schedule A to the Deposition Notices.

**HUNTER, SMITH & DAVIS, LLP**

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***Attorneys for Defendants/Counter-Plaintiffs***

**L.R. 7.1 Certification**

Pursuant to Local Rule 7.1(A)(2) and Fed. R. Civ. P. 26(c), Defendants' counsel hereby certifies that he has conferred and attempted to confer in good faith with Plaintiffs' counsel in an effort to resolve this dispute without court action but such efforts have been unsuccessful.

By: /s/Mark S. Dessauer  
Mark S. Dessauer, Esq.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 7, 2022 the foregoing **Motion For Protective Order** filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties have been served by hand delivery, overnight delivery, e-mail transmission, facsimile transmission, or by mailing a copy of same by United States Mail, postage prepaid.

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